

#### श्रसा शारण

## EXTRAORDINARY

भाग II--खण्ड 2 PART II-Section 2 प्राधिकार से प्रकाशित



सं∙ 52]

नई विस्त्रो, शनिवार ित बर 2, 1972/भाद 11, 18.4

No. 52] NEW DELHI, SATURDAY, SEPTEMBER 22, 1972 BHADRA 11, 1894 

इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिसरों कि बढ़ अलग संकलन के रूप में रह्या जा सर्वाः Separate paging is given to this Part in order that it may be filed us a separate compilation.

## LOK SABHA

The following Bill was introduced in Lok Sabha on the 2nd September. 1972: —

## Bill No. 91 of 1972.

A Bill to provide for better organisation and development of school eaucation in the Union territory of Delhi and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows: -

### CHAPTER I

## PRELIMINARY

- 1. (1) This Act may be called the Delhi School Education Act, 1972.
- (2) It extends to the whole of the Union territory of Delhi.

Short title, extent and com

(3) It shall come into force on such date as the Administrator may, menceby notification, appoint and different dates may be appointed for different provisions of the Act, and any reference to the commencement of this Act in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

2. In this Act, unless the context otherwise requires, —

Defini~ tions.

- (a) "Administrator" means the Administrator of the Union territory of Delhi appointed by the President under article 239 of the Constitution;
  - (b) "Advisory Board" means the Board referred to in section 18;

- (c) "aid" means any aid granted to a recognised school by the Central Government, Administrator, a local authority or any other authority designated by the Central Government, Administrator or a local authority;
- (d) "aided school" means a recognised private school which is receiving aid in the form of maintenance grant from the Central Government, Administrator or a local authority or any other authority designated by the Central Government, Administrator or a local authority;
  - (e) "appropriate authority" means,-
  - (i) in the case of a school recognised by the Central Government, that Government;
  - (ii) in the case of a school recognised by the Delhi Administration, the Administrator or any other officer authorised by him in this behalf;
  - (iii) in the case of a school recognised by the Municipal Corporation of Delhi, that Corporation;
  - (iv) in the case of a school recognised by the New Delhi Municipal Committee, that Committee, and
  - (v) in the case of a school recognised by the Delhi Cantonment Board, that Board;
  - (f) "Delhi" means the Union territory of Delhi;
- (g) "Director" means the Director of Education, Delhi, and includes any other officer authorised by him to perform all or any of the functions of the Director under this Act;
- (h) "employee" includes a teacher and every other employee working in a recognized school;
- (i) "existing employee" means an employee of an existing school who is employed in such school immediately before the commencement of this Act;
- (j) "existing school" means a recognised private school which is in existence at the commencement of this Act;
- (k) "Head of a school" means the principal academic officer, by whatever name called, of a recognised school;
  - (l) "local authority" means,—
  - (i) in relation to an area within the local limits of the Municipal Corporation of Delhi, that Corporation;
  - (ii) in relation to an area within the local limits of the New Delhi Municipal Committee, that Committee:
  - (iii) in relation to an area within the local limits of the Delhi Cantonment Board, that Board;
- (m) "minority school" means a school established and administerer by a minority having the right to do so under clause (1) of article 30 of the Constitution;

**3.** (1) The

tain any school in Delhi.

- (n) "notification" means a notification published in the Official Gazette;
  - (o) "prescribed" means prescribed by rules made under this Act;
- (p) "private school" means a school which is not run by the Central Government, Administrator, a local authority or any other authority designated or sponsored by the Central Government, Administrator or a local authority;
- (q) "public examination" means an examination conducted by the Directorate of Education, Delhi, the Central Board of Secondary Education, Council for Indian School Certificate Examination, any other Board which may hereafter be established for the purpose, and includes an examination conducted by the Municipal Corporation of Delhi or any other authority recognised by the Director;
- (r) "recognised school" means a school recognised by the appropriate authority;
- (s) "school" includes a pre-primary, primary, middle higher secondary school, and also includes any other institution which imparts education or training below the degree level, but does not include an institution which imparts technical education;
- (t) "school property" means all movable and immovable property belonging to, or in the possession of, the school and all other rights and interests in, or arising out of, such property, and includes land, building and its appurtenances, play grounds, hostels, niture, books, apparatus, maps, equipment, utensils, cash, reserve funds, investments and bank balances;
  - (u) "teacher" includes the Head of a school.

#### CHAPTER II

ESTABLISHMENT, RECOGNITION, MANAGEMENT OF, AND AID TO, SCHOOLS

middle and higher secondary education in all the schools in Delhi. (2) The Administrator may establish and maintain any school in regulate Delhi or may permit any person or local authority to establish and main-school

Administrator may regulate pre-primary, primary, Power of Administrator to education.

- (3) On and from the commencement of this Act and subject to the provisions of clause (1) of article 30 of the Constitution, the establishment of a new school or the opening of a higher class in any existing school in Delhi shall be subject to the provisions of this Act and the rules made thereunder and any school or higher class established or opened otherwise than in accordance with the provisions of this Act shall not be entitled to be recognised by the appropriate authority.
- 4. (1) The appropriate authority may, on an application made to it in Recognithe prescribed form and in the prescribed manner, recognise any private tion of school: schools.

Provided that no school shall be recognised unless-

(a) it has adequate funds to ensure its financial stability;

- (b) it has a duly approved scheme of management as required by section 5;
- (c) it has suitable or adequate accommodation and sanitary facilities having regard, among other factors, to the number, age and sex of the pupils attending it;
- (d) it provides for approved courses of study and efficient instruction;
  - (e) it has teachers with prescribed qualifications; and
- (f) it has the prescribed facilities for physical education, library ervice, laboratory work, workshop practice or co-curricular activities:

Provided further that no school shall be recognised if its premises or any part thereof are used as a shop, office or residence unconnected with the activities of the school.

- (2) Every application for recognition of a school shall be entertained and considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of six months from the date of the receipt of the application; and where recognition is not granted, the reasons for not granting such recognition shall also be communicated to the applicant within the said period.
- (3) Where recognition to a school is refused, any person aggrieved by such refusal may, within thirty days from the date of communication to him, of such refusal, appeal against such refusal, in the prescribed manner, to the prescribed authority and the decision of the prescribed authority thereon shall be final:

Provided that the prescribed authority may entertain any appeal preferred after the expiry of the said period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days.

- (4) Where the management of a school obtains recognition by fraud, interpresentation or suppression of material particulars, or where, after obtaining recognition, the school fails to continue to comply with any of the conditions specified in the provisos to sub-section (1), the authority granting the recognition may, after giving the management of the school a reasonable opportunity of showing cause against the proposed action, withdraw the recognition granted to such school under sub-section (1).
- (5) The recognition granted under sub-section (1) shall not, by itself, entitle any school to receive aid.
- (6) Every existing school shall be deemed to have been recognised under this section and shall be subject to the specified conditions:

Provided that' where any such school does not satisfy any of the conditions specified in the provisos to sub-section (1), the prescribed

authority may require the school to satisfy such conditions and such other conditions as may be prescribed, within a specified period and if any such condition is not satisfied, recognition may be withdraw from such school.

- (7) Every school, whose recognition is withdrawn under sub-section (4) or sub-section (6), may appeal to the prescribed authority, shall dispose of the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed of within that period, the order for the withdrawal of recognition shall, on the expiry of the said period of six months, stand cancelled.
- (8) On hearing an appeal preferred under sub-section (3), sub-section (4) or sub-section (6), the prescribed authority may after giving the appellant a reasonable opportunity of being heard, confirm, modify or reverse the order appealed against.
- 5. (1) Notwithstanding anything contained in any other law for the Scheme time being in force or in any instrument having effect by virtue of any such of law, the managing committee of every recognised school shall make, with the previous approval of the appropriate authority, a scheme of management for such school:

management.

Provided that in the case of a recognised private school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed.

- (2) A scheme may be made, in like manner, to add to, vary or modify any scheme made under sub-section (1).
- 6. (1) The Central Government may, after due appropriation made Aid to reby Parliament by law in this behalf and subject to such conditions as cog Msedmay be prescribed, pay to the Administrator, for distribution of aid to schools. recognised private schools, not being primary schools recognised by a local authority, such sums of money as that Government may consider necessary:

Provided that no existing school receiving, immediately before commencement of this Act, aid shall be eligible for the continuance of such aid unless it complies, within such period as may be specified by the Director, with the conditions specified in the provisos to sub-section (1) of section 4.

- (2) The authority competent to grant the aid may stop, reduce or suspend aid for violation of any of the conditions prescribed in this behalf.
- (3) The aid may cover such part of the expenditure of the school as may be prescribed.
- (4) No payment, out of the aid given for salary, allowances and provident fund of employees of the school, shall be made for any other purpose.
- (5) No aid shall be given to a school the management of which has been taken over under section 16.
- (6) No unrecognised school shall be eligible to receive any aid or any benefit made available to private schools by the Administrator or any agency of the Administrator.

#### CHAPTER III

## SCHOOL PROPERTY

School property.

- 7. (1) The management of every aided school shall furnish, initially, at the time of grant of aid and thereafter annually, a statement containing a list of school property together with such particulars as may be prescribed.
- (2) Notwithstanding anything contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school, not being the property specified in the rules, shall be made except with the previous approval of the appropriate authority:

Provided that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted.

- (3) Any person aggrieved by the grant or refusal of permission under sub-section (2) may, prefer, in such form and within such time as may be prescribed, appeal to the Administrator against such grant or refusal of permission and the decision of the Administrator thereon shall be final.
- (4) Any transaction made in contravention of the provisions of subsection (2), or, as the case may be, decision of the Administrator, shall be void.

#### CHAPTER IV

#### TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES

Terms and conditions of service of employees. 8. (1) The Administrator may make rules regulating the minimum qualifications for recruitment, and the conditions of service, of employees of recognised private schools:

Provided that neither the salary nor the rights in respect of leave of absence and pension of an employee in the employment of an existing school at the commencement of this Act shall be varied to the disadvantage of such employee:

Provided further that every such employee shall be entitled to opt for terms and conditions of service as they were applicable to him immediately before the commencement of this Act.

- (2) Subject to any rule that may be made in this behalf, no employee of a recognised private school shall be dismissed, removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the Director.
- (3) Any employee of a recognised private school who is dismissed, removed or reduced in rank may, within thirty days from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the Tribunal constituted under section 11.
- (4) Where any managing committee of a recognised private school intends to suspend any of its employees, such intention shall be communicated to the Director and no such suspension shall be made except with the prior approval of the Director.

(5) Where the intention to suspend an employee is communicated to the Director, he may, if he is satisfied that there are adequate and reasonable grounds for such suspension, accord his approval to such suspension:

**Provided** that if the Director does not, within a period of fifteen days from the date of receipt of the communication with regard to the proposed suspension of the employee, communicate to the managing committee of the private school his decision thereon, he shall, on the expiry of the said period of fifteen days, be deemed to have given his approval to the suspension of the employee.

9. Every employee of a recognised school shall be governed by such Emplo-Code of Conduct as may be prescribed and on the violation of any provi- yees to be sion of such Code of Conduct, the employee shall be liable to such disciplinary action as may be prescribed.

by a Code of Conduct.

10. (1) The scales of pay and allowances, medical facilities, pension, Salaries gratuity, provident fund and other prescribed benefits of the employees of or ema recognised private school shall not be less than those of the employees ployees. of the corresponding status in schools run by the appropriate authority.

- (2) The managing committee of every aided school shall deposit, every month, its share towards pay and allowances, medical facilities, pension, gratuity, provident fund and other prescribed benefits with the Administrator and the Administrator shall disburse, or cause to be disbursed the salaries and allowances to the employees of the aided schools.
- 11. (1) The Administrator shell, by notification, constitute a Tribunal, Tribunal, to be known as the "Delhi School Tribunal", consisting of one person:

Provided that no person shall be so appointed unless he has held office as a District Judge or any equivalent judicial office.

- (2) If any vacancy, other than a temporary absence, occurs in the office of presiding officer of the Tribunal, the Administrator shall appoint another person, in accordance with the provisions of this section, to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.
- (3) The Administrator shall make available to the Tribunal such staff as may be necessary in the discharge of its functions under this Act.
- (4) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India.
- (5) The Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places at which it shall hold its sittings.
- (6) The Tribunal shall, for the purpose of disposal of an appeal preferred under this Act, have the same powers as are vested in a court of appeal by the Code of Civil Procedure, 1908.

5 of 1908.

#### CHAPTER V

#### Admission to schools and fees

12. (1) A child who has not attained the age of five years, shall not be Admisadmitted to class I, or an equivalent class or any class higher than class I, sion to rein a recognised school.

cognised schools.

- (2) A student seeking admission for the first time in a recognised school in a class higher than class I shall not be admitted to that class if his age reduced by the number of years of normal school study between that class and class I or an equivalent class, falls short of five years.
- (3) Admission to a recognised school or to any class thereof shall be regulated by rules made in this behalf.

Fees and other charges.

- 13. (1) No aided school shall levy any fee or collect any other charge 5 of 1908. or receive any other payment except those specified by the Director.
- (2) Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds,

School Fund,

- 14. (1) In every aided school, there shall be a fund, to be called the "School Fund", and there shall be credited thereto—
  - (a) any aid granted by the Administrator,
  - (b) income accruing to the school by way of fees, charges or other payments, and
  - (c) any other contributions, endowments and the like.
- (2) The School Fund and all other funds, including the Pupils' Fund, established with the approval of the Administrator, shall be accounted for and operated upon in accordance with the rules made under this Act.

Affiliations.

- 15. (1) For the purpose of any public examination every recognised higher secondary school shall be affiliated to one or more of the Boards or Council conducting such examination and shall fulfil the conditions specified by the Board or Council in this behalf.
- (2) The students of recognised higher secondary schools shall be prepared for, and presented to, the public examinations or such other form of evaluation held or made for the students of such schools.
- (3) The students of every recognised middle school shall be prepared for, and presented to, such public examination as may be held by the Directorate of Education. Delhi, for the students of such schools.
- (4) Every student of a recognised primary school shall be prepared for, and presented to, the public examination held by a local authority competent to hold such examination for the students of such schools.

## CHAPTER VI

# TAKING OVER THE MANAGEMENT OF AIDED SCHOOLS

Taking over the manage-ment of aided schools.

16. (1) Whenever the Administrator is satisfied that the managing committee or manager of any school, whether recognised or not, has neglected to perform any of the duties imposed on it by or under this. Act or any rule made thereunder and that it is expedient in the interests of school education to take over the management of such school, he may, after giving the managing committee or the manager of such school, a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years:

Provided that where the management of a school has been taken over for a period lesser than the said period of three years, the Administrator may, if he is of opinion that in order to secure proper management of the school it is expedient that such management should continue to be in force after the expiry of the said limited period, he may, from time to time, issue directions for the continuance of such management for such period as he may think fit, but the total period for which such management is taken over shall not, in any case, exceed three years.

- (2) After taking over the management of any school under this section, the Administrator may arrange to manage the school through the Director or any other person authorised by the Director in this behalf (hereinafter referred to as the "authorised officer").
- (3) Where the management of any school has been taken over under sub-section (1), the managing committee or manager of such school may, within three months from the date of taking over, appeal to the Administrator, who may after considering the representation made by the managing committee or the manager, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Administrator, as he may deem fit.
- (4) Where the management of a school has been taken over under this section, the Administrator shall pay such rent for the building of the school, if any, to the person entitled to receive it as was being paid by the managing committee or the manager immediately before the management of such school was taken over.
- (5) During such period as any school remains under the management of the authorised officer—
  - (a) the service conditions, as approved by the Administrator, of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be adversely affected;
  - (b) all educational facilities which the school had been affording immediately before such management was taken over, shall continue to be afforded;
  - (c) the School Fund, the Pupils' Fund and the Management Fund and any other existing fund shall continue to be available to the authorised officer for being spent for the purposes of the school; and
  - (d) no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Administrator.
  - 17. Nothing contained in section 16 shall apply to any minority school. Section 16 not to apply to minority schools.

#### CHAPTER VII

#### MISCELLANEOUS

Delhi Schools Education Advisory Board.

- 18. (1) There shall be established by the Administrator an Advisory Board for school education to be called the "Delhi School Education Advisory Board" for the purpose of advising the Administrator on matters of policy relating to education in Delhi,
- (2) The Advisory Board shall consist of a Chairman and fourteen other members, to be nominated by the Administrator.
  - (3) The Advisory Board shall regulate its own procedure.
- (4) The terms of office of every member of the Board and travelling and other allowances payable to a member of the Board shall be such as may be prescribed.

Delegation of powers.

- 19. (1) The Administrator may delegate all or any of his powers, duties and functions under this Act to the Director or any other officer.
- (2) Every person to whom any power is delegated under sub-section (1), may exercise that power in the same manner and with the same effect as if such power had been conferred on him directly by this Act and not by way of delegation.

Inspection of schools.

- 20. (1) Every recognised school shall be inspected at least once in each financial year in such manner as may be prescribed.
- (2) The Director may also arrange special inspection of any school on such aspects of its working as may, from time to time, be considered necessary by him.
- (3) The Director may give directions to the manager requiring the manager to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school.
- (4) If the manager fails to comply with any direction given under sub-section (3), the Director may, after considering the explanation or report, if any, given or made by the manager, take such action as he may think fit, including—
  - (a) stoppage of aid,
  - (b) withdrawal of recognition, and
  - (c) taking over of the school under section 16.

Jurisdiction of civil courts barred.

21. No civil court shall have jurisdiction in respect of any matter in relation to which the Administrator or the Director or any other person authorised by the Administrator or Director or any other officer or authority appointed or specified by or under this Act, is empowered by or under this Act to exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

Protection of action taken in good faith.

22. No suit, prosecution or other legal proceeding shall lie against the Administrator, Director or any other person authorised by the Administrator or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

23. (1) The Administrator may, with the previous approval of the Power to Central Government, and subject to the condition of previous publication, make by notification, make rules to carry out the provisions of this Act.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
  - (a) the establishment of a new school or the opening of a higher class in an existing school:
  - (b) the form and manner in which an application for recognition shall be made;
  - (c) the qualifications, terms and conditions of service of employees;
  - (d) the manner in which appeal against refusal or withdrawal of recognition shall be made;
  - (e) the authorities to be specified for different provisions of the Act;
  - (f) the conditions under which aid may be granted to recognised schools:
  - (g) the form in which, and time within which, an appeal shall be preferred to the Administrator against an order made in the case of a transfer, mortgage or lease of any school property;
  - (h) code of conduct for the employees and the disciplinary action to be taken for the violation of the said code of conduct;
    - (i) fees and other charges to be collected by aided school;
  - (j) the term of office, travelling and other allowances payable to members of the Advisory Board; and
    - (k) any other matter which has to be, or may be, prescribed.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- 24. If any difficulty arises in giving effect to the provisions of this power to Act, the Central Government may, by order not inconsistent with the remove difficulprovisions of this Act, remove the difficulty: ties.

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

## STATEMENT OF OBJECTS AND REASONS

In recent years the unsatisfactory working and management of privately managed educational institutions in the Union territory of Delhi has been subjected to a good deal of adverse criticism. In the absence of any legal power, it has not been possible for the Government to improve their working. An urgent need is, therefore, felt for taking effective legislative measures providing for better organisation and development of educational institutions in the Union territory of Delhi, for ensuring security of service of teachers, regulating the terms and conditions of their employment and for changing the character of some of these institutions so that they may not develop and encourage a narrow sectarian outlook amongst the students. The Bill seeks to achieve these objectives.

NEW DELHI; The 29th August, 1972. S. NURUL HASAN

# PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 44-1|69-UTI, dated the 30th August, 1972 from Prof. S. Nurul Hasan, Minister of State in the Ministry of Education and Social Welfare to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the Delhi School Education Bill, 1972 recommends under clause (3) of article 117 of the Constitution, the consideration of the Bill by the Lok Sabha.

#### FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the distribution of aid to recognised private schools in Delhi. The grants-in-aid will be of a recurring and non-recurring character. The recurring grant includes:—

- (1) Maintenance grant.—This relates to the salaries, allowances and Contributory Provident Fund of the employees of the School and is given at the rate of 95 per cent. of the difference between the approved expenditure and the income from fees, fines and any other specified item.
- (2) Contingent grant.—This includes expenditure on items such as stationery, electricity charges, repairs and renewal of furniture, telephones, etc., and is payable to the extent of 95 per cent. of the actual expenditure incurred by the school management during the previous twelve months subject to a prescribed ceiling for the various items of expenditure.
- (3) Rent grant.—This grant is paid at the rate of 95 per cent. of the rent for the building taken on hire by the management for the school, subject to a maximum of Rs. 3,600 per annum.
- (4) Depreciation grant for school buildings.—Institutions using their own buildings are allowed depreciation grant up to a maximum of Rs. 3,600 per annum.
- (5) Depreciation grant for hostel buildings.—The grant is given to institutions which have their own hostel buildings and is allowed at the rate of Rs. 12 per month for each 56 square metres occupied by boarders, Rs. 8 per month for the kitchen building and Rs. 15 for the Superintendent's quarters. This quantum of the grant will depend upon the number of hostellers.

The non-recurring grant includes the grants of the following categories:—

- (a) Building grant.—This grant is ordinarily given for the purchase, construction and extension of the school or hostel building and is given up to two-thirds of the total expenditure actually incurred subject to a maximum of Rs. 1.00 lakh.
- (b) Equipment grant.—Grant for the purchase of equipment, furniture, science material, library books, agriculture appliances, typewriters, cycles, durries, clocks, bells or any other approved item is given at the rate of two-thirds of the total expenditure actually incurred on the purchase of the approved articles.

The quantum of recurring and non-recurring grant will depend on the number of aided schools and the number of pupils, teachers and other staff, and will vary from year to year depending on these and other factors. The budget grant sanctioned for the year 1972-73 on account of recurring and non-recurring grant is Rs. 384 lakhs.

The above-mentioned grants are being paid even now under the Grant-in-Code of 1965. Thus there are no fresh financial implications consequent to the proposed legislation.

Clause 10 of the Bill provides that the scales of pay and allowances, medical facility, pension, gratuity, provident fund and other prescribed benefits of the employees of the recognised schools shall not be less than those of the employees of a Government school. The "recognised" schools include the aided schools. While the pay scales and allowances of aided school teachers are the same as those of the teachers of Government schools, the medical facility and retirement benefits allowed to aided school teachers are less than those of Government school teachers. With the passage of the legislation the Government will have to incur more expenditure for retirement benefits and provision of medical facilities to the aided school teachers. The likely annual expenditure is Rs. 6,75,000 for medical facilities and Rs. 5,60,000 for additional retiring benefits.

Clause 11 of the Bill provides for the appointment of a Tribunal consisting of one person. The expenditure on the salary and allowances of the presiding officer of the Tribunal and of the staff made available to him, and other miscellaneous items, is not likely to exceed Rs. 10,000 per month.

Clause 18 of the Bill provides for the establishment of an Advisory Board. The recurring expenditure in relation to the Advisory Board is likely to be of the order of Rs. 1.00 lakh per year.

Expenditure on Account of Inspecting Staff.—Clause 20 of the Bill makes it mandatory to get every recognised school inspected once a year. At present the inspection of aided schools is carried out by the Inspection Staff of the Directorate of Education and no separate staff has been employed exclusively for the aided schools. With the introduction of the legislation, the Director will have to ensure that the provisions of the Act are complied with and if for that purpose he finds it necessary to employ more staff, he will take necessary action with the approval of the Government of India. The budget grant for the year 1972-73 on account of inspection of schools is Rs. 4.00 lakhs.

# MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill seeks to empower the Administrator of Delhi, with the approval of the Central Government, to make rules in relation to the matters specified therein. The matters in relation to which such rules may be made relate to matters of procedure or detail which may hardly be provided in the Bill itself. The delegation of the legislative power is, therefore, of a normal character.

S. L. SHAKDHER, Secy.